THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16342 of 2007

Dated: 31-07-2007

Between:

Gadikota ratnakar Reddy and another.

..... PETITIONERS

AND

The District Collector, Kadapa, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16342 of 2007

ORDER:

The two petitioners are residents of Sriramulupeta Village, Chapadu Mandal, Kadapa District. Father of first petitioner purchased land admeasuring Acs.6.22 in survey Nos.122/2A to 122/2G under registered sale deeds in 1987 and also obtained pattadar passbooks (PPBs). After death of his father, first petitioner and his brother-in-law, who is second petitioner herein, namely Palagiri Yellareddy, succeeded to said land. In 1987 itself, first petitioner purchased another land admeasuring Ac.1.00, Ac.1.22 and Ac.0.20 in survey No.122/5 and Ac.0.22 in survey No.122/2G and in 1986 his father also purchased land admeasuring Ac.1.00 in survey No.121/4. Out of these lands second petitioner is in possession of land admeasuring Acs.3.64. On an allegation that the land in possession of the petitioners is assigned land in contravention of the provisions of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity), third respondent issued notice on 05.04.2007 in Form I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (1977 Rules, for brevity). Aggrieved by said notice dated 05.04.2007, the petitioners filed instant writ petition seeking its invalidation.

The learned counsel for the petitioners submits that 1977 Rules were repealed by the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007, promulgated vide G.O.Ms.No.208 dated 22.02.2007 and therefore, the impugned notice dated 05.04.2007 is unsustainable.

The learned Assistant Government Pleader for Revenue (Assignment) does not dispute that the issue of the impugned notice dated 05.04.2007 under 1977 Rules by third respondent after 1977 Rules were superseded is not in accordance with the proper procedure. In view of this, at the admission stage itself, the impugned notice dated 05.04.2007 is set aside observing that it shall be open to third respondent to issue notice in accordance with the Rules promulgated in 2007.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

31st July, 2007
ghn